

AMENDMENTS TO THE CLAIMS

The following is a complete listing of the claims that replaces all previous versions.

Claims 1-101 (Canceled)

102. (Currently amended) A soya fiber particulate comprising fermented soya particles produced from dehulled soya and having a particle size in a range of about 0.01 microns to about 100 microns, wherein at least about 50% to about 100% of the fermented soya particles of said soya fiber particulate have ~~has~~ a size in a range of about 0.01 microns to about 35 microns and wherein said soya fiber particulate has been heat treated, said soya fiber particulates having open portions therein such that water or a water based liquid is allowed into intracellular spaces of said soya fiber particulate.

103. (Currently amended) The soya fiber particulate of claim 102, wherein at least about 90% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 75 microns.

104. (Currently amended) The soya fiber particulate of claim 103, wherein at least about 80% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 65 microns.

105. (Currently amended) The soya fiber particulate of claim 104, wherein at least about 70% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 55 microns.

106. (Currently amended) The soya fiber particulate of claim 105, wherein at least about 60% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 45 microns.

107. (Currently amended) The soya fiber particulate of claim 102, wherein at least about 40% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 25 microns.

108. (Currently amended) The soya fiber particulate of claim 107, wherein at least about 30% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 15 microns.

109. (Currently amended) The soya fiber particulate of claim 108, wherein at least about 20% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 10 microns.

110. (Currently amended) The soya fiber particulate of claim 109, wherein at least about 10% of the fermented soya particles of said soya fiber particulate has a particle size in a range of about 0.01 microns to about 5 microns.

111. (Previously presented) The soya fiber particulate of claim 102, wherein said soya fiber particulate has a median particle size in a range of about 10 microns to about 20 microns.

112. (Previously presented) The soya fiber particulate of claim 102, wherein said soya fiber particulate remains stable for at least 6 months.

113. (Previously presented) The soya fiber particulate of claim 112, wherein said soya fiber particulate remains stable for at least 7 months.

114. (Previously presented) The soya fiber particulate of claim 113, wherein said soya fiber particulate remains stable for at least 8 months.

115. (Previously presented) The soya fiber particulate of claim 114, wherein said soya fiber particulate remains stable for at least 9 months.

116. (Previously presented) The soya fiber particulate of claim 115, wherein said soya fiber particulate remains stable for at least 10 months.

117. (Previously presented) The soya fiber particulate of claim 116, wherein said soya fiber particulate remains stable for at least 11 months.

118. (Previously presented) The soya fiber particulate of claim 117, wherein said soya fiber particulate remains stable for at least 1 year.

119. (Previously presented) The soya fiber particulate of claim 102, wherein said soya fiber particulate has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

120. (Previously presented) The soya fiber particulate of claim 119, wherein said soya fiber particulate has a sedimentation of less than about 4% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

121. (Previously presented) The soya fiber particulate of claim 120, wherein said soya fiber particulate has a sedimentation of less than about 3% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

122. (Previously presented) The soya fiber particulate of claim 121, wherein said soya fiber particulate has a sedimentation of less than about 2% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

123. (Previously presented) The soya fiber particulate of claim 122, wherein said soya fiber particulate has a sedimentation of less than about 1% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

124. (Previously presented) The soya fiber particulate of claim 123, wherein said soya fiber particulate has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of a least 50 times the force due to the earth's gravity for 5 minutes.

125. (Currently amended) The soya fiber particulate of claim 102, wherein said dehulled soya is selected from the group consisting of whole soybeans, full fat soy flour, full fat soy flakes, partially defatted soy flour, partially defatted soy flakes, defatted soy flour, defatted soy flakes, refatted soy flour, refatted soy flakes, soy protein concentrate and mixtures thereof.

126. (Previously presented) A product comprising the soya fiber particulate of claim 102, wherein said product is selected from the group consisting of:

- beverage;
- dry mix;
- milk product;
- simulated milk product;
- tofu;
- miso;
- topping;
- infant food;
- dessert;
- snack;
- flour product;
- meat food product;
- simulated meat food product; and
- pet food product.

127. (Previously presented) A product comprising the soya fiber particulate of claim 102, wherein said product is soymilk.

128. (Previously presented) A product comprising the soya fiber particulate of claim 102, wherein said product is a simulated milk product combined with a milk product.

129. (Withdrawn) A product comprising the soya fiber particulate of claim 102, wherein said product is a simulated meat food product combined with a meat food product.

130. (Previously presented) The product of claim 126, wherein said product remains stable for at least 6 months.

131. (Previously presented) The product of claim 130, wherein said product remains stable for at least 7 months.

132. (Previously presented) The product of claim 131, wherein said product remains stable for at least 8 months.

133. (Previously presented) The product of claim 132, wherein said product remains stable for at least 9 months.

134. (Previously presented) The product of claim 133, wherein said product remains stable for at least 10 months.

135. (Previously presented) The product of claim 134, wherein said product remains stable for at least 11 months.

136. (Previously presented) The product of claim 135, wherein said product remains stable for at least 1 year.

137. (Previously presented) The product of claim 126, wherein said product has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

138. (Previously presented) The product of claim 137, wherein said product has a sedimentation of less than about 4% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

139. (Previously presented) The product of claim 138, wherein said product has a sedimentation of less than about 3% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

140. (Previously presented) The product of claim 139, wherein said product has a sedimentation of less than about 2% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

141. (Previously presented) The product of claim 140, wherein said product has a sedimentation of less than about 1% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

142 (Previously presented) The product of claim 141, wherein said product has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

143. (Currently amended) The product of claim 126, wherein said dehulled soya is selected from the group consisting of whole soybeans, full fat soy flour, full fat soy flakes, partially defatted soy flour, partially defatted soy flakes, defatted soy flour,

defatted soy flakes, refatted soy flour, refatted soy flakes, soy protein concentrate and mixtures thereof.

Claims 144-155 canceled.

156. (Currently amended) The soya fiber particulate of claim 102 made by the process comprising:

wet grinding a dehulled soya to yield a soya fiber particulate having a particle size in a range of about 0.01 microns to about 100 microns, wherein at least about 50% to about 100% of the particles of said soya fiber particulate has a size in a range of about 0.01 microns to about 35 microns, said soya fiber particulate having open portions therein such that water or a water based liquid is allowed into intracellular spaces of said soya fiber particulate;

fermenting said soya fiber particulate;

~~pasteurizing and/or sterilizing~~ heat treating said soya fiber particulate; and

homogenizing said soya fiber particulate to yield a soya fiber particulate.

157. (Previously presented) A product comprising the soya fiber particulate of claim 156, wherein said product is selected from the group consisting of:

beverage;
dry mix;
milk product;
simulated milk product;
tofu;
miso;
topping;
infant food;
dessert;
snack;
flour product;
meat food product;

simulated meat food product; and
pet food product.

158. (Previously presented) A product comprising the soya fiber particulate of claim 156, wherein said product is soymilk.

159. (Previously presented) A product comprising the soya fiber particulate of claim 156, wherein said product is a simulated milk product combined with a milk product.

160. (Withdrawn) A product comprising the soya fiber particulate of claim 156, wherein said product is a simulated meat food product combined with a meat food product.

161. (Previously presented) The product of claim 157, wherein said product remains stable for at least 6 months.

162. (Previously presented) The product of claim 161, wherein said product remains stable for at least 7 months.

163. (Previously presented) The product of claim 162, wherein said product remains stable for at least 8 months.

164. (Previously presented) The product of claim 163, wherein said product remains stable for at least 9 months.

165. (Previously presented) The product of claim 164, wherein said product remains stable for at least 10 months.

166. (Previously presented) The product of claim 165, wherein said product remains stable for at least 11 months.

167. (Previously presented) The product of claim 166, wherein said product remains stable for at least 1 year.

168. (Previously presented) The product of claim 157, wherein said product has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

169. (Previously presented) The product of claim 168, wherein said product has a sedimentation of less than about 4% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

170. (Previously presented) The product of claim 169, wherein said product has a sedimentation of less than about 3% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

171. (Previously presented) The product of claim 170, wherein said product has a sedimentation of less than 2% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

172. (Previously presented) The product of claim 171, wherein said product has a sedimentation of less than about 1% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

173. (Previously presented) The product of claim 172, wherein said product has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

174. (Currently amended) The product of claim 157, wherein said dehulled soya is selected from the group consisting of whole soybeans, full fat soy flour, full fat soy flakes, partially defatted soy flour, partially defatted soy flakes, defatted soy flour,

defatted soy flakes, refatted soy flour, refatted soy flakes, soy protein concentrated and mixtures thereof.

175. (Currently amended) A grain fiber particulate comprising fermented grain particles produced from a grain and having a particle size in a range of about 0.01 microns to about 100 microns, wherein at least about 50% to about 100% of the fermented grain particles of said grain fiber particulate ~~has~~ have a size in a range of about 0.01 microns to about 35 microns and wherein said grain fiber particulate has been heat treated, said grain fiber particulate having open portions therein such that water or a water based liquid is allowed into intracellular spaces of said grain fiber particulate.

176. (Withdrawn) The grain fiber particulate of claim 175, wherein said grain is selected from the group consisting of flax, sunflower, rice, canola, corn, wheat, rapeseed, and lupin.

177. (Previously presented) The grain fiber particulate of claim 175, wherein said grain is selected from the group consisting of full fat grains, full fat grain flour, full fat grain flakes, partially defatted grain flour, partially defatted grain flakes, defatted grain flour, defatted grain flakes, refatted grain flour, refatted grain flakes, grain protein concentrate and mixtures thereof.

178. (Previously presented) The grain fiber particulate of claim 175, wherein said grain fiber particulate has a median particle size in a range of about 10 microns to about 20 microns.

179. (Previously presented) The grain fiber particulate of claim 175, wherein said grain fiber particulate remains stable for at least 6 months.

180. (Previously presented) The grain fiber particulate of claim 179, wherein said grain fiber particulate remains stable for at least 1 year.

181. (Previously presented) The grain fiber particulate of claim 175, wherein said grain fiber particulate has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

182. (Previously presented) The grain fiber particulate of claim 181, wherein said grain fiber particulate has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

183. (Previously presented) A product comprising the grain fiber particulate of claim 175, wherein said product is selected from the group consisting of:

- beverage;
- dry mix;
- milk product;
- simulated milk product;
- tofu;
- miso;
- topping;
- infant food;
- dessert;
- snack;
- flour product;
- meat food product;
- simulated meat food product; and
- pet food product.

184. (Withdrawn) The product of claim 183, wherein said grain is selected from the group consisting of flax, sunflower, rice, canola, corn, wheat, rapeseed, and lupin.

185. (Previously presented) The product of claim 183, wherein said grain is selected from the group consisting of full fat grains, full fat grain flour, full fat grain flakes, partially defatted grain flour, partially defatted grain flakes, defatted grain flour, defatted grain flakes, refatted grain flour, refatted grain flakes, grain protein concentrate and mixtures thereof.

186. (Previously presented) The product of claim 183, wherein said product remains stable for at least 6 months.

187. (Previously presented) The product of claim 186, wherein said product remains stable for at least 1 year.

188. (Previously presented) The product of claim 183, wherein said product has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

189. (Previously presented) The product of claim 188, wherein said product has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

Claims 190-192 canceled.

193. (Currently amended) The grain fiber particulate of claim 175 made by the process comprising:

wet grinding grain seeds to yield a grain fiber particulate having a particle size in a range of about 0.01 microns to about 100 microns, wherein at least about 50% to about 100% of the particles of said grain fiber particulate has a size in a range of about 0.01 to about 35 microns, said grain fiber particulate having open portions therein such that water or a water based liquid is allowed into intracellular spaces of said grain fiber particulate;

fermenting said grain fiber particulate;

~~pasteurizing and/or sterilizing~~ heat treating said grain fiber particulate; and
homogenizing said grain fiber particulate to yield a grain fiber particulate.

194. (Previously presented) A product comprising the grain fiber particulate of claim 193, wherein said product is selected from the group consisting of:

- beverage;
- dry mix;
- milk product;
- simulated milk product;
- tofu;
- miso;
- topping;
- infant food;
- dessert;
- snack;
- flour product;
- meat food product;
- simulated meat food product; and
- pet food product.

195. (Withdrawn) The product of claim 194, wherein said grain is selected from the group consisting of flax, sunflower, rice, canola, corn, wheat, rapeseed, and lupin.

196. (Previously presented) The product of claim 194, wherein said grain is selected from the group consisting of full fat grains, full fat grain flour, full fat grain flakes, partially defatted grain flour, partially defatted grain flakes, defatted grain flour, defatted grain flakes, refatted grain flour, refatted grain flakes, grain protein concentrate and mixtures thereof.

197. (Previously presented) The product of claim 194, wherein said product remains stable for at least 6 months.

198. (Previously presented) The product of claim 197, wherein said product remains stable for at least 1 year.

199. (Previously presented) The product of claim 194, wherein said product has a sedimentation of less than about 5% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

200. (Previously presented) The product of claim 199, wherein said product has a sedimentation of about 0% by volume when centrifuged at a centrifugal force of at least 50 times the force due to the earth's gravity for 5 minutes.

201. (Currently amended) The soya fiber particulate of claim 102, wherein the soya fiber particulate has a mean particle size of about 22 microns and wherein 90% of the fermented soya particles are less than 44 microns.

202. (Currently amended) The soya fiber particulate of claim 102, wherein the soya fiber particulate has a mean particle size of about 24 microns and wherein 90% of the fermented soya particles are less than 45 microns.

203. (Currently amended) The grain fiber particulate of claim 175, wherein the ~~soya~~ grain fiber particulate has a mean particle size of about 22 microns and wherein 90% of the fermented grain particles are less than 44 microns.

204. (Currently amended) The grain fiber particulate of claim 175, wherein the ~~soya~~ grain fiber particulate has a mean particle size of about 24 microns and wherein 90% of the fermented grain particles are less than 45 microns.

Please add the following New Claims:

205. (New) The soya fiber particulate of claim 102, wherein the soya fiber particulate has been heat treated by jet cooking.

206. (New) The soya fiber particulate of claim 156, wherein heat treating said soya fiber particulate comprises jet cooking said soya fiber particulate.

207. (New) The grain fiber particulate of claim 175, wherein the grain fiber particulate has been heat treated by jet cooking.

208. (New) The grain fiber particulate of claim 193, wherein heat treating said grain fiber particulate comprises jet cooking said grain fiber particulate.